

<b>Interview Summary</b>	<b>Application No.</b> 09/662,284	<b>Applicant(s)</b> HAYWARD ET AL.	
	<b>Examiner</b> Mark A Fadok	<b>Art Unit</b> 3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) Mark Fadok. (3)\_\_\_\_\_.

(2) Mr. Andrew Ryan. (4)\_\_\_\_\_.

Date of Interview: 23 September 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1-21.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Ryan and the examiner discussed the incorporation of allowable subject matter into the claims which was later added by examiners amendment. Mr. Ryan agreed to add the new subject matter found in the specification, but stated that he reserves the right to file another application to pursue the broader claims as they existed before the examiners amendment. Mr. Ryan was also appraised of the Quality reviews that are performed by Business Methods and was told that the official allowance letter will not be mailed until the allowance is reviewed and approved by the Quality reviewer.. .

**DETAILED ACTION*****Response to Amendment***

The examiner is in receipt of response to Office Action mailed 3/24/2003, which was received by the Office 6/23/2003. Applicant's arguments have been carefully considered and were found to be convincing, therefore the following examiners amendment and reason for allowance are provide.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Andrew D. Ryan on 9/23/2003.

The application has been amended as follows:

- 31
- In Claim 1, line 5, after "substantially necessary;" insert ~~launching a~~ communications link to access a URL address, the URL address defined by a condition of the part;

- B2
- In Claim 14, line 5, after “supplier based on condition;” insert --launching a communications link to access a URL address, the URL address defined by a condition of the part;--

- In Claim 15, line 6 after “launching an electronic communication to access” delete “a computer at an address” and insert therefore: --URL address--;

***Allowable Subject Matter***

The following is an examiner’s statement of reasons for allowance:

Claims 1-21 are allowable.

The following is an Examiner’s statement of the reasons for allowance for all independent claims 1,14,15 and 17.

The present invention is directed to a method for ordering a peripheral part automatically by presenting a purchase offer to a user that is determined by identifying the proper URL address, which is defined by the condition of the part.

Each of the independent claims 1,14,15 and 17 identifies uniquely distinct features as follows.

automatically communicating an electronic offer to a URL address defined by a condition of the at least one consumable component for a replacement of the at least one consumable component.

Discussion of most relevant art:

### **US Patents and PG-PUB**

(i) US Patent 6,233,409 to Haines et al. teaches a system for reorder redundancy prevention. Haines, however, fails to render the application's above-mentioned limitations obvious.

(ii) US Patent 6,302,527 to Walker et al teaches a method and apparatus for identifying sales channels. Walker, however, fails to render the application's above-mentioned limitations obvious.

(iii) US Patent 6,333,790 to Kageyama teaches a method for identifying a condition in a peripheral and automatically placing an order. Kageyama, however, fails to render the application's above-mentioned limitations obvious.

### **Foreign Patent Documents**

(iv) EP 0 843 299 to Kodimer teaches monitoring a peripheral device and sending notification of a condition that exists to a remote location. Kodimer, however, fails to render the application's above-mentioned limitations obvious.

### **Non-Patent Literature**

(v) M2 PRESSWIRE, "Lexmark extends powerful printer management capabilities to printers from all major brands", September 30, 1998, teaches managing multiple manufacturer printers with one application, M2 also offers direct access to the HTML setup pages from different manufactures. M2, however, fails to render the application's above-mentioned limitations obvious

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Response to Arguments***

Applicant's arguments, paper #11, filed 6/23/2003, have been fully considered and are persuasive. Therefore, the examiner has reevaluated the subject matter in claim 17 and is providing this allowance based on discussions with Mr. Ryan that led to the examiner's amendment above.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

*Commissioner for Patents*

*P.O. Box 1450*

**Alexandria, Va. 22313-1450**

or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-7206** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Mark Fadok

Patent Examiner



BURTON W. COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600